IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

CRYSTAL HELBIG, Individually and, *
As Mother and Next Friend of
P.B., *et al*., *

Plaintiffs, *

v. *

UNIVERSITY OF MARYLAND ST. JOSEPH *
MEDICAL CENTER FOUNDATION, INC. d/b/a
UNIVERSITY OF MARYLAND ST. JOSEPH * **CASE NO.: JFM-17-CV-2528**
MEDICAL CENTER,
*
Defendant.
*
* * * * * * * * * * * * *

ANSWER TO COMPLAINT AND DEMAND FOR JURY TRIAL
ON BEHALF OF
UNIVERSITY OF MARYLAND ST. JOSEPH MEDICAL CENTER

COMES NOW Defendant, University of Maryland St. Joseph Medical Center ("UMSJMC"), by and through their attorneys, Neal M. Brown, Christina N. Billiet, Kaitlan M. Skrainar, and Waranch & Brown, LLC, and in answer to the Plaintiffs' Complaint state as follows:

FIRST DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE

The answering Defendant avers that the Complaint is barred by the applicable statute of limitations.

THIRD DEFENSE

The answering Defendant avers that the claims alleged in Plaintiffs' Complaint are barred by the Plaintiffs' assumption of the risk.

FOURTH DEFENSE

The answering Defendant avers that the claims alleged in Plaintiffs' Complaint are barred due to the negligence and/or affirmative conduct of others for whom in law this Defendant is not responsible.

FIFTH DEFENSE

The answering Defendant will rely upon all defenses lawfully available to it including, but not limited to, those already asserted herein.

DEFENSES TO COUNT I

1. The answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph No. 1.

2. The answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph No. 2.

3. The answering Defendant admits that a Statement of Claim was filed and that arbitration was waived. The answering Defendant does not admit that the Certificate and Report of Qualified Expert fulfill the requirements of the Health Care Malpractice Claims Act, Section 3-2A-01 et seq., of the Courts and Judicial Proceedings Article of the Maryland Code.

4. The answering Defendant admits that Paula McCabe, CNM, had a duty to comply with the applicable standard of care. The answering Defendant denies the remainder of Plaintiffs' allegations set forth in Paragraph No. 4.

5. The answering Defendant admits that Lauren Arrington, CNM, had a duty to comply with the applicable standard of care. The answering Defendant denies the remainder of Plaintiffs' allegations set forth in Paragraph No. 5.

6. The answering Defendant admits that Steven Lacher, M.D., had a duty to comply with the applicable standard of care. The answering Defendant denies the remainder of Plaintiffs' allegations set forth in Paragraph No. 6.

7. The answering Defendant admits that Arturo Yabut, M.D., had a duty to comply with the applicable standard of care. The answering Defendant denies the remainder of Plaintiffs' allegations set forth in Paragraph No. 7.

8. The answering Defendant admits that the labor and delivery nurses had a duty to comply with the applicable standard of care. The answering Defendant denies the remainder of Plaintiffs' allegations set forth in Paragraph No. 8.

9. The answering Defendant admits that it had a duty to comply with the applicable standards of care. The answering Defendant denies the remainder of Plaintiffs' allegations set forth in Paragraph No. 9.

10. Upon information and belief, the answering Defendant admits that Paula McCabe, CNM, Lauren Arrington, CNM, Steven Lacher, M.D., Arturo Yabut, M.D., Laura Rossbach, RN, Cassia Schmidt, RN, and Debra Rose Edmunds, CRNP, were acting as agents or apparent agents, servants or employees of the answering Defendant. The answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations contained in Paragraph No. 10.

11. The answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph No. 11; except, upon information and belief, the answering Defendant admits that, on November 21, 2014, at approximately 10:01 p.m., Crystal Helbig presented to the Labor and Delivery department of UMSJMC.

12. Upon information and belief, the answering Defendant admits the allegations contained in Paragraph No. 12; except, the answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation that "the findings shortly thereafter showed decelerations."

13. Upon information and belief, the answering Defendant admits the allegations contained in Paragraph No. 13.

14. Upon information and belief, the answering Defendant admits the allegations contained in Paragraph No. 14; except, the answering Defendant denies that Pitocin was administered at 5:46 a.m.

15. The answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph No. 15.

16. The answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph No. 16.

17. The answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph No. 17; except the answering Defendant, upon information and belief, admits that Mrs. Helbig began to push at 8:11 a.m. and that Dr. Lacher was present at her bedside, at that time.

18. The answering Defendant denies in form and in substance the allegations contained in Paragraph No. 18; except, that the answering Defendant, upon information and belief, admits that Mrs. Helbig requested a C-section at approximately 8:21 a.m.

19. The answering Defendant denies in form and in substance the allegations contained in Paragraph No. 19; except, that the answering Defendant, upon information and belief, admits that

Mrs. Helbig was taken to the operating room for an emergency C-section at 8:53 a.m., an incision was made at 9:08 a.m., and P.B. was delivered at 9:21 a.m.

20. The answering Defendant admits that, at the time of delivery, P.B. was limp, flaccid, and pale with a heart rate of 90; she had no respiratory effort; her cord arterial pH was 6.768 and cord venous pH was 6.951; and Apgar's were 1, 1, 3, and 4 at 1, 5, 10, and 15 minutes, respectively. The answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation that P.B. was diagnosed with hypoxic ischemic encephalopathy at the University of Maryland. The answering Defendant denies in form and in substance the remainder of the allegations contained in Paragraph No. 20.

21. The answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph No. 21; except, the answering Defendant denies in form and in substance the allegation that P.B.'s injuries are due to the negligence of the Defendant and its agents, representatives, or employees.

22. The answering Defendant denies in form and in substance the allegations contained in Paragraph No. 22.

23. The answering Defendant denies in form and in substance the allegations contained in Paragraph No. 23.

24. The answering Defendant denies in form and in substance the allegations contained in Paragraph No. 24.

25. The answering Defendant denies in form and in substance the allegations contained in Paragraph No. 25.

26. The answering Defendant denies in form and in substance the allegations contained in Paragraph No. 26.

27. The answering Defendant denies in form and in substance the allegations contained in Paragraph No. 27.

DEFENSES TO COUNT II
(CRYSTAL HELBIG – INDIVIDUALLY)

28. The answering Defendant adopts and incorporates its response to Paragraph Nos. 1 through 27.

29. Upon information and belief, the answering Defendant admits the allegations contained in Paragraph No. 29.

30. The allegations contained in Paragraph No. 30 are denied in form and in substance.

DEFENSES TO COUNT III
(RYAN BECK – INDIVIDUALLY)

31. The answering Defendant adopts and incorporates its response to Paragraph Nos. 1 through 30.

32. The answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph No. 32.

33. The allegations contained in Paragraph No. 33 are denied in form and in substance.

DEMAND FOR JURY TRIAL

Defendant hereby demands a jury trial in accordance with Fed. R. Civ. P. 38.

WHEREFORE, the answering Defendant, University of Maryland St. Joseph Medical Center, respectfully request that the Complaint filed herein against it be dismissed with prejudice, with costs, attorneys' fees, and interest as provided by law assessed against the Plaintiffs and that this Defendant be granted such other and further relief as this honorable Court deems just and proper.

/s/ Neal M. Brown

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of October, 2017 a copy of the foregoing Answer to Complaint filed on behalf of University of Maryland St. Joseph Medical Center, was filed and served electronically and by first class mail, in compliance with Fed. R. Civ. P. 5(a), to:

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